

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

LIVINGSCAPES, LLC
3941 STEWARTS LANE
Nashville, TN 37218
SSN: 47-4773861

} Case No. 3:20-bk-03561
} Chapter 11
} Judge Harrison
}

Debtor

EXPEDITED MOTION FOR AUTHORITY TO PAY FOR A MEDIATOR

Comes the Debtor, through counsel, in the above-captioned case and respectfully moves this Honorable Court for an order authorizing the Debtor to pay for a mediator in an effort to resolve the contingent, unliquidated and disputed claims of Cassie Burton and Milessa Thomas. In support of the Expedited Motion, the Debtor states:

1) **RELIEF REQUESTED** - Pursuant to 11 U.S.C. § 363(b)(1), the Debtor is seeking authority to pay for a mediator in an effort to resolve the contingent, unliquidated and disputed claims of Cassie Burton and Milessa Thomas. The parties have selected James Kay as the mediator and August 4, 2021 as the date for mediation. Mr. Kay's hourly rate is \$595 per hour, which by agreement with Cassie Burton and Milessa Thomas is to be paid by the Debtor. While it is unknown at this time the amount of hours to be spent in mediation due to the complexity of the claims, it is foreseeable that the mediator could spend approximately 10 hours, which includes preparation time. It is the Debtor's understanding that neither the US Trustee's office nor the Chapter 7 Trustee, in which Mr. Livingston has a personal bankruptcy proceeding, and is the 100% owner of Livingscapes, LLC, is opposed to the relief requested in this Expedited Motion.

2) **REASONS FOR URGENCY** - The mediation is scheduled for August 4, 2021, and the Debtor needs authority to be able to pay for the mediator in order to proceed forward with mediation. Otherwise, it is unlikely the parties will be able to mediate the claims as scheduled.

3) **PARTIES RECEIVING NOTICE** - Notice of this Motion will be sent to the United States Trustee, Chapter 7 Trustee, Matthew Murphy, attorney for Cassie Burton and Milessa Thomas, and all parties of record to receive notice electronically via the U.S. Bankruptcy Court's CM/ECF filing system, on July 27, 2021. Notice of this Motion will be sent to all other creditors and parties-in-interest by U.S. Mail, postage prepaid, on July 27, 2021 according to the attached mailing matrix.

4) **PROPOSED HEARING DATE** - The Debtor requests that this matter be heard on August 3, 2021.

5) **STATEMENT OF IMPACT:** By having an opportunity to mediate, the above-referenced parties could potentially save a significant amount of time in litigation and a successful resolution could allow the Debtor to proceed forward with a reorganization plan, which the Debtor is under a deadline to file.

WHEREFORE, the Debtor prays for the relief sought herein and for other relief as is just.

Respectfully submitted,

LEFKOVITZ & LEFKOVITZ

/S/ STEVEN L. LEFKOVITZ

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CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and exact copy of the foregoing to the Assistant United States Trustee, Chapter 7 Trustee, Matthew Murphy attorney for Cassie Burton and Milessa Thomas, and all other parties of record to receive notice electronically via the U.S. Bankruptcy Court's CM/ECF filing system on July 27, 2021.

I further certify that I have sent a true and exact copy of the foregoing to the Debtor and all other creditors and parties-in-interest, by U.S. Mail, postage prepaid on July 27, 2021.

/S/ STEVEN L. LEFKOVITZ

Steven L. Lefkovitz